

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1, 2, 4-6, and 8-13 are pending in the present application, and claims 1, 8, 12 and 13 are independent claims. In this Amendment, Applicant has amended independent claims 1, 8 and 13. Independent claim 12 has not been amended. The Examiner is respectfully requested to reconsider the rejection of claims 1, 2, 4-6 and 8-13 and in view of the amendments and remarks as set forth herein below.

A. The Rejection of Claims 1, 2, 4-6 and 8-13 Under 35 U.S.C. § 103

The Office Action has rejected claims 1, 2, 4-6 and 8-13 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,552,989 ("Bertrand") in view of U.S. Patent 5,325,482 ("Bormans"), and further in view of U.S. Patent 5,519,609 (Kuchenrither et al, hereinafter "Kuchenrither").

The Applicant respectfully submits that independent claims 1, 8, 12 and 13 are patentable over the cited prior art, because the independent claims all recite novel devices and methods for comparatively displaying dated map data from a navigation device. In amended independent claims 1 and 12, the dated map data is comparatively displayed at the same time using emphasized data items and normal data items. In independent claims 8 and 13, the dated map data is comparatively displayed at the same time using first and second display areas.

B. The Bertrand Patent

Bertrand, the primary reference relied upon in the Office Action, discloses a portable digital map reader which reads digital geographical maps recorded on magnetic or optical data and displays the geographical maps. The Examiner concedes that in the Bertrand patent that there is no explicit disclosure of several claim features including;

- (1) storing map data for a plurality of years;
- (2) specifying means for specifying a specific year;
- (3) displayed edited map data is of a different year;
- (4) the different edited map data is edited map data of a different year;
- (5) second display editing means for reading map data of a different year from said map storing means and editing the map data to be displayed;
- (6) the edited map data from the specific year and the edited map data from the different year are superposed on said display means;
- (7) the map data includes at least one emphasized data item specified by said specifying means and the displaying means displays both emphasized data and normal data items. (See pages 3-4 of the Office Action).

The Office Action has incorrectly alleged that all of these missing features can be found in the Bormans and Kucherither patents and that the teachings of these patents can be combined with Bertrand to render the claimed invention unpatentable.

C. The Bormans Patent

Bormans discloses a method for charting onto a newly produced map features from an old existing map. The measured data for a new map is stored in a first memory, and the data of the old map including the data relating to mains networks is stored in a second memory. The new and the old map are read and displayed on a display. Reference points of the old map are moved until they coincide with the appropriate reference points of the new map. Finally, The network reference points moved with the reference points of the old map are interpolated so that the network data is included in the new map. (See Abstract).

The method disclosed in Bormans results in a new map which is totally different from that of the present invention. Moreover, Bormans does not disclose the claimed features of the present invention. The object of the Bormans' patent is to create a new map using old map data missing from a relatively new map and updating the relatively new map with the old data. In other words, Bormans simply takes an old map that includes data which does not appear on a relatively new map, and he transfers the old missing map data to the relatively new map to create an updated new map with the previously missing old map data. This is not the Applicant's claimed invention.

In the Applicant's claimed invention of independent claims 1 and 12, the dated map data is comparatively displayed at the same time using emphasized data items and normal data items. In other words, claims 1 and 12 are directed to a new map having emphasized data items and normal items which reflect different years. Bormans is directed an updated new map that does not distinguish between emphasized data items

and normal items, nor does it distinguish between items from a specific year and a different year. It is respectfully submitted that one observing the new map of Bormans cannot determine which map items are new and which map items are old, because they have been melded into one updated new map of "normal" items.

In independent claims 8 and 13, the map data for different years is comparatively displayed at the same time using first and second display areas. In other words, claims 8 and 13 are directed to two display areas having map data items from a specific year in one area and having map data items from a different year in another display area. Bormans is directed an updated new map which does not distinguish between map data from a specific year in one area and map data items from a different year in another display area data. It is respectfully submitted that one observing the new map of Bormans would view only one display area, and the observer could not determine which map items are new and which items are old.

D. The Kuchenrither Patent

The Kuchenrither patent discloses a method and system for tracking biosolids that monitors the quantity and quality of biosolids deposited on a plot of land. Global positioning system technology is used to determine the land coordinates of the boundary of the plot of land for accurate area calculation in order to determine the loading per unit area of biosolids including metals deposited on the plot. The system includes the ability to display superposed topographic and digitized photographic imagery of the plot with textual annotation. (See Abstract.)

Kuchenrither teaches at col. 3, lines 36-48 that topographic survey maps show considerable detail but are often based on information many years old. As a result, these maps may not reflect recent man-made structures. In order to ensure accurate information, apparatus 10 of Kuchnrither allows superposing of an image of a satellite photograph of the same site and to the same scale. Such photographic images can be updated as often as monthly. As illustrated in FIG. 3, satellite image 36 reveals housing addition 38, not shown originally on map 32. Graphics software 24 can then be used to redraw or trace these new features onto map 32 to reflect accurately the ***current status of the site.*** The intermediate map illustrated in Fig. 3 is not the end product or the updated new map of the Kuchenrither method.

The method disclosed in Kuchenrither results in an updated new map which is totally different from that of the present invention. Moreover, Bormans does not disclose the claimed features of the present invention. The object of the Kuchenrither patent is to create an updated new map using new satellite image data missing from a relatively old map and updating the relatively old map with the new satellite images. In other words, Kuchenrither simply takes a relatively old map, and he transfers new satellite image data to the relatively old map to create an updated new map with the satellite data. This is not the Applicant's claimed invention.

As described above, claims 1 and 12 of the present invention are directed to a new map having emphasized data items and normal items. Kuchenrither is directed an updated new map which does not distinguish between emphasized data items and normal items in the end product, nor does it distinguish between items from a specific

year and a different year. It is respectfully submitted that one observing the updated new map of Kuchenrither, like the map of Bormans, cannot determine from the map which map items are new and which map items are old, because the old and new map items have been melded into one new map.

In independent claims 8 and 13 of the present invention, the map data for different years is comparatively displayed at the same time using first and second display areas. Kuchenrither is directed to an updated new map which does not distinguish between map data from a specific year in one display area and map data items from a different year in another display area. It is respectfully submitted that one observing the updated new map of Kuchenrither would view only one display area, and the observer could not determine which map items are new and which items are old.

E. There is No Motivation to Combine the Cited Prior Art References

It is respectfully submitted that the cited prior art references do not even recognize the problem solved by the Applicant's claimed invention, and that one skilled in the art would not be motivated to combine the teachings of Bertrand, Bormans and Kuchenrither in order to solve the unrecognized problem.

The Applicant's claimed invention solves the problem of displaying map data from different years at the same time. If the skilled artisan were to follow the teachings of the cited prior art references, the prior art would motivate the skilled artisan to modify the map of Bertrand with the updated map information Bormans or Kuchenrither, but there is motivation whatsoever to comparatively display map data for different years at

the same time using first and second display areas or to comparatively display dated map data at the same time using emphasized data items and normal data items. The only motivation to display map information in this way is gleaned from the hindsight provide by Applicant's specification.

The Applicant believes that the Office Action is based upon a selective combination of features found in the cited prior art references, and that such selective combining is impermissible. As stated in *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985), "When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." Accordingly, Applicant respectfully submits that independent claims 1, 8, 12 and 13 are patentable over the cited prior art, because there is no motivation to combine the cited references to obtain the display of map information disclosed and claimed by the Applicant, and the Examiner is requested to withdraw the rejection.

F. Dependent claims 2, 4-6 and 9-11

The Applicant believes that dependent claims 2, 4-6 and 9-11 are allowable over the prior art for at least the same reasons as the independent claims from which they depend.

G. Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard J. McGrath (Reg. No. 29,195) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By


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